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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,754	10/30/2003	Kyeong-Seon Choi	678-1278(P11425)	8790

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EXAMINER	
WILLIAMS, ROSS A	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,754	CHOI, KYEONG-SEON	
	Examiner	Art Unit	
	Ross A. Williams	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 5 and 7 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maher (US 2004/0002326) in view of Iijima et al (US 6,839,435).

Claims 1 and 7: Maher discloses a system of mobile devices such as cell phones that enable end users of the cell phones to determine the score or "threshold event" of a game as is reported to dedicated server and a database (Maher par 0024). Maher discloses that the mobile devices can download copies of applications on the mobile device independent of the game server (Maher 0029). Maher discloses that the server contains an applet that is responsible for tracking scores or threshold events and accessing data in the database. At the end of the application the applet stored the score or event information in the server-side database (Maher 0030). Maher discloses that

the mobile device provides an identification number to be identified by the server, such as a PIN, MIN, ESN, or EID (Maher 0031). While it is implied that the mobile terminal of Maher does indeed download the resultant game scores from the game server, it is not expressly or explicitly stated (Maher par 0049). However, Iijima discloses a scoring system that calculates and stores ranking information pertaining to multiple game players. Iijima discloses that it is well known to transmit by means of downloading game scores that are stored in a database that are connected to a game server, to remote user devices such as a PC. Iijima discloses that this can be done by means of a server storing a homepage wherein the scores are stored on the server and the user accesses the server by means of the homepage to download the game scores to the game terminal or PC (Iijima 1:14 – 36).

It would be obvious to one of ordinary skill in the art to modify Maher in view Iijima to provide a means to download and transmit the scores that are stored on the game server database to the player's terminal game device. This would allow the player to see how they rank up with other players of the same game.

Claims 2, 8 and 9: Maher discloses a system that updates and stores game scores that are related to a game that is downloaded to a mobile device such as a cell phone. However, Maher does not specifically discloses that the game server determines whether or not a detected mobile device number is contained in memory and if it is contained in memory then the score for that number is updated and if the number is not contained in memory then the number is registered and the score associated with that number is stored in memory. However Iijima discloses a method of

storing game scores according to the identity of the player or game machine identity, such as by means of a password of the game machine, email address name, comment, etc (Iijima 2:5 – 19, 3:12 – 15, 4:39 – 53). After the identifying information pertaining to the mobile device is determined to be authentic the game score is registered in correspondence to that number or identifier. If the mobile device already has registered a game score then the method determined if the score already stored should be updated with a new game score associated with the identifying information (Iijima 4:39 – 59)

It would be obvious to one of ordinary skill in the art to modify Maher in view of Iijima to provide a game wherein the system determines if the game score is to be initially stored or updated according to the a number or other identifying information like that disclosed in Maher. This would be obvious due to the fact that the registering a mobile device number provides a measure of security to ensure that the device is reporting a score for the correct device and that the scores always reflect the greatest score achieved by the mobile device or player of the mobile device.

Claims 3 and 10: Iijima discloses that the transmitting of a success indication relating to the storing of the score based upon the authentication of the mobile device (Iijima 4:49 – 53)

Claims 4 and 11: Maher discloses a mobile game device that inherently stores not only the game score that the user of the device achieves in the game but also game status information that is not related to the game score (i.e. the present state of the game as executed) irregardless of the determining that the resultant game score has

been successfully stored or not stored in the memory of the game server. Thus it would be obvious to specify the storing of game information in addition to the game score upon the mobile device.

Claims 5 and 12: Iijima discloses the displaying of a message upon the user's terminal or mobile device upon the score registration being disabled (Iijima 5:38 – 42).

Claims 6 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maher (US 2004/0002326) in view of Iijima et al (US 6,839,435) as applied above and in view of Tomizawa et al (US 6,500,070).

Claims 6 and 13: Maher does not specifically discloses that the resultant game score that is stored in memory includes at least one of a retention item, usage item, level information pertaining to a character's ability or position information. However, Tomizawa discloses a game system that enables multiple players to engage in a video game, wherein the main game unit stores in RAM a On the unit information storage area 260 are stored display coordinate positions (X, Y, Z), kinds and states of all the units 1-M. The kind of a unit represents what the unit represents, including e.g. a player, a player object, an enemy object, and item, etc. Also, the state of a unit is configured by various data corresponding to each unit number, such as player object HP (Hit Points), MP, player object level, etc (Tomizawa 8:14 – 25).

It would be obvious to modify Maher in view of Iijima and Tomizawa to provide a device such as a game server that stores various types of game related information that represents a players progression in a video game and represent that data as a score. It

is well known to store data representing the player level, abilities, position and items obtained or possessed in a game. Thus a player would be enabled to realize their status or score they have achieved in a game.

Applicant's arguments filed 9/10/2007 have been fully considered but they are not persuasive.

The Applicant states "The combination of Maher and Ijima et al. do not disclose, suggest, or teach "a mobile terminal for downloading a game that is executable in an offline mode over a communication channel," nor does the combination of Maher and Ijima et al. disclose, suggest, or teach, "wherein the mobile terminal accesses the mobile game server over the wireless channel upon receipt of an entry command signal." (Remarks page 2 and 3, dated 9/10/07). The Examiner Respectfully disagrees.

The Examiner points the wording of the claim, which states that the mobile terminal executes a game in an "offline mode" however at some point the mobile terminal transmits update information to the game server and thus the mobile terminal is then operating in an online state. The device of Maher executes a downloaded game wherein the execution of the game for a player is executed by the mobile game terminal. Thus the actual execution is independent of the server. Update information (i.e. inputs) is sent to the server side applet which then transmits this update information to other communication devices (Maher par 0029).

The Examiner point to Maher par 0046 wherein Maher does indeed disclose the sending of an entry command to the mobile terminal that allows mobile terminal to gain

access to the mobile game server. Specifically, Maher discloses that the server may ask the user to enter a PIN, wherein the PIN thus identifies and verifies the user for his gaming session, thus providing the user access to the mobile game server (Maher par 0046, 0047). Thus an entry command is sent to the mobile game terminal and is used to determine whether the mobile terminal can access the mobile game server.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RAW
12/5/07

RONALD LANEAU
PRIMARY EXAMINER

12/10/07